

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/619,536
	Filing Date	July 15, 2003
	First Named Inventor	Walulik
	Art Unit	3732
	Examiner Name	Not yet assigned
Total Number of Pages in This Submission	Attorney Docket Number	5490E-000285

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Request to Correct Inventorship Under 37 CFR 1.48(a); Statement by Added Inventor Under 37 CFR 1.48(a)(2); Written Consent by Assignee Under 37 CFR 1.48(a)(5); Executed Oath/Declaration; Return Postcard</b>
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Stephen T. Olson/ Maria Comninou	Reg. No. 36,626/44,626
Signature			
Date	January 12, 2005		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Stephen T. Olson/Maria Comninou	Express Mail Label No.	EV 570 163 171 US
Signature		Date	January 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office,

EV 570 163 171 US

01-13-05

DAE / JFW  
C#



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/619,536  
Filing Date: July 15, 2003  
Applicant: Walulik et al.  
Group Art Unit: 3732  
Examiner: Not yet assigned  
Title: METHOD AND APPARATUS FOR THE EXTERNAL  
FIXATION AND CORRECTION OF BONE  
Attorney Docket: 5490E-000285

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48(a)**

Applicants hereby request correction of inventorship under 37 CFR §1.48(a) for the above-referenced application to correct an error that occurred inadvertently and without deceptive intent, and was recently discovered.

It is requested that the inventorship is changed to add the following inventor:

Name: Richard Davidson  
Residence: 37 Evans Lane  
Haveford PA 19041  
Citizenship: U.S.A  
No inventors are deleted.

01/18/2005 SSITHIB1 00000044 10619536  
130.00 OP  
01 FC:1464


The following documents are enclosed herewith:

1. A statement from the added inventor that the error in inventorship occurred without deceptive intent.
2. The written consent of the Assignee EBI, L.P. to the correction in inventorship.
3. A new declaration by all the inventors under §1.63.
4. A check in the amount of \$130 for the processing fee set forth in §1.17(i)

Prompt and favorable consideration of this request is respectfully requested. If the Examiner has any questions or concerns or believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Jan. 12, 2005

By:   
Stephen T. Olson  
Reg. No. 36,626  
Maria Comninou  
Reg. No. 44,626  
Attorneys for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

STO/MAC/mb



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/619,536  
Filing Date: 7/15/2003  
Applicant: Walulik et al.  
Group Art Unit: 3732  
Examiner: not assigned  
Title: METHOD AND APPARATUS FOR THE EXTERNAL  
FIXATION AND CORRECTION OF BONE  
Attorney Docket: 5490E-000285

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**STATEMENT BY ADDED INVENTOR UNDER 37 CFR §1.48(a)(2)**

I, Richard Davidson, state that through error I was not named as an inventor in the above-referenced patent application, and that the error in inventorship occurred without deceptive intent on my part.

Dated: 10/18/04

Respectfully submitted,

By: 

Richard Davidson

37 Evans Lane  
Haveford PA 19041



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/619,536  
Filing Date: 7/15/2003  
Applicant: Walulik et al.  
Group Art Unit: 3732  
Examiner: not assigned  
Title: METHOD AND APPARATUS FOR THE EXTERNAL  
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Attorney Docket: 5490E-000285

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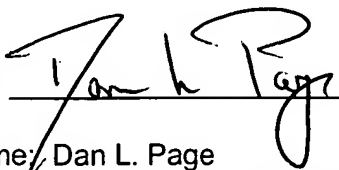
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**WRITTEN CONSENT BY ASSIGNEE UNDER 37 CFR §1.48(a)(5)**

The Assignee, EBI, L.P., of the above-referenced patent application, hereby consents in writing to the correction of inventorship to add Richard Davidson as an inventor under §1.48(a)(5).

Respectfully submitted,

Dated: JANUARY 3, 2005

By:   
Name: Dan L. Page  
Title: Vice President - Research  
EBI, L.P.  
100 Interpace Parkway  
Parsippany, New Jersey 07054



# DECLARATION AND POWER OF ATTORNEY

Atty. Dkt. No.: 5490E-000285

## DECLARATION

I hereby declare that:

Each inventor's residence, mailing address and citizenship are as stated below next to their name,

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND APPARATUS FOR THE EXTERNAL FIXATION AND CORRECTION OF BONE

the specification of which (check one)

- ☐ is attached hereto.  
or  
☒ was filed on 07/15/2003 as United States Application Number or PCT International Application No. 10/619,536 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

## **DECLARATION AND POWER OF ATTORNEY**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### **POWER OF ATTORNEY**


I hereby appoint David L. Ahlersmeyer, Reg. No. 31,938 and Eric Waldkoetter, Reg. No. 36,713 of EBI, L.P., Stephen J. Foss, Reg. No. 31,251; Stephen T. Olson, Reg. No. 36,626; and Maria Comninou, Reg. No. 44,626 of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### **CORRESPONDENCE ADDRESS**

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

## DECLARATION AND POWER OF ATTORNEY

**Full name of sole or first inventor:** Stephen B. Walulik

Inventor's signature: 

Date: 1-3-05

Residence: 24 Ethan Place, Phillipsburg, New Jersey 08865

Citizenship: United States of America

Mailing Address: Same as above

**Full name of second joint inventor:** Kirk J. Bailey

Inventor's signature: 

Date: 1/3/05

Residence: 33 Wards Road, Blairstown, New Jersey 07825

Citizenship: United States of America

Mailing Address: Same as above

**Full name of third joint inventor:** Takkwong Ross Leung

Inventor's signature: 

Date: 1/3/05

Residence: 20 Suttie Avenue, Piscataway, New Jersey 08854

Citizenship: Hong Kong

Mailing Address: Same as above

**Full name of fourth joint inventor:** Richard Davidson

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 37 Evans Lane, Haveford, Pennsylvania 19041

Citizenship: United States of America

Mailing Address: Same as above





# DECLARATION AND POWER OF ATTORNEY

Atty. Dkt. No.: 5490E-000285

## DECLARATION

I hereby declare that:

Each inventor's residence, mailing address and citizenship are as stated below next to their name,

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND APPARATUS FOR THE EXTERNAL FIXATION AND CORRECTION OF BONE

the specification of which (check one)

- ☐ is attached hereto.  
or  
☒ was filed on 07/15/2003 as United States Application Number or PCT International Application No. 10/619,536 and was amended on \_\_\_\_\_ (if applicable).

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PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

## **DECLARATION AND POWER OF ATTORNEY**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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## DECLARATION AND POWER OF ATTORNEY

**Full name of sole or first inventor:** Stephen B. Walulik

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 24 Ethan Place, Phillipsburg, New Jersey 08865

Citizenship: United States of America

Mailing Address: Same as above

**Full name of second joint inventor:** Kirk J. Bailey

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 33 Wards Road, Blairstown, New Jersey 07825

Citizenship: United States of America

Mailing Address: Same as above

**Full name of third joint inventor:** Takkwong Ross Leung

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 20 Suttie Avenue, Piscataway, New Jersey 08854

Citizenship: Hong Kong

Mailing Address: Same as above

**Full name of fourth joint inventor:** Richard Davidson

Inventor's signature:  \_\_\_\_\_

Date: 10/25/04 \_\_\_\_\_

Residence: 37 Evans Lane, Havertown, Pennsylvania 19041

Citizenship: United States of America

Mailing Address: Same as above



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130

## Complete if Known

Application Number	10/619,536
Filing Date	July 15, 2003
First Named Inventor	Walulik
Examiner Name	Not yet assigned
Art Unit	3732
Attorney Docket No.	5490E-000285

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_

☐ Deposit Account Deposit Account Number: 08-0750 Deposit Account Name: Harness, Dickey & Pierce, PLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☐ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

**Total Claims**      **Extra Claims**      **Fee(\$)**      **Fee Paid (\$)**

\_\_\_\_\_ -20 or HP= 0 x \_\_\_\_\_ = 0

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee(\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 3 or HP= 0 x \_\_\_\_\_ = 0

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____	= 0	/ 50 = 0 (round up to a whole number) x		= 0

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Request to Correct Inventorship Under 37 CFR 1.48(a)

Fees Paid (\$)
_____
130

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	36,626/44,626	Telephone	248-641-1600
Name (Print/Type)	Stephen T. Olson/Maria Comninou	Date	January 12, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.